

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**RACHAEL ANNE ELROD, ANDREW
KAUFMAN, and SARAH MARTIN, on
behalf of themselves and all others
similarly situated,**

Plaintiffs,

v.

**NO TAX 4 NASH, JIM ROBERTS,
MICHELLE FOREMAN, KIMBERLY
EDWARDS, and JOHN DOES 1-10,**

Defendants.

No. 3:20-cv-00617

**District Judge Eli J. Richardson
Magistrate Judge Barbara D. Holmes**

CLASS ACTION

JURY TRIAL DEMANDED

**PLAINTIFFS' UNOPPOSED MOTION TO DROP
DEFENDANT KIMBERLY EDWARDS**

Plaintiffs Rachael Anne Elrod, Andrew Kaufman, and Sarah Martin, individually and on behalf of all others similarly situated, respectfully move the Court pursuant to Rule 21 to drop Defendant Kimberly Edwards from the case. Plaintiffs have conferred with Defendants Edwards, Foreman, and Roberts, who do not oppose the request.¹

In the Sixth Circuit, Rule 21, not Rule 41(a), governs motions to dismiss claims against one defendant. *See Cunningham v. Rapid Capital Funding, LLC/RCF*, No. 3:16-CV-2629, 2019 WL 5783670, at *1 (M.D. Tenn. Nov. 6, 2019) (Richardson, J.). It provides that “On motion or on its own, the court may at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21.

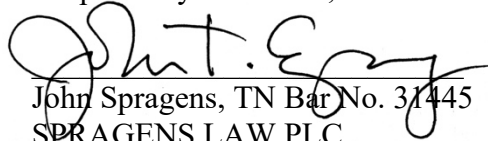
¹ Plaintiffs presently understand Defendant No Tax 4 Nash (or “NoTax4Nash”) to be an unincorporated entity and are unable to effectuate service on it without obtaining initial discovery—a topic Plaintiffs intend to raise at the initial case management conference. Nonetheless, No Tax 4 Nash will not be prejudiced by the removal of a Defendant Edwards at this early stage of the case.

Here, the interests of justice and judicial efficiency would be served by dropping Defendant Edwards from this action. The case is in early stages—Defendant Edwards has not yet filed an Answer—so minimal resources have been expended on it to date. Moreover, the information presently available to Plaintiffs suggests that Defendant Edwards is not necessary to the prosecution of this action. Streamlining the litigation by dropping a party, without prejudice to refile in the event discovery subsequently reveals that Defendant Edwards is integral to the case, promotes judicial efficiency. And Defendants Foreman and Roberts do not oppose the request.

Accordingly, Plaintiffs respectfully ask the Court to drop Defendant Kimberly Edwards from the case.

Date: August 31, 2020

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John T. Spragens", is written over the printed name and firm name.

John Spragens, TN Bar No. 31445

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Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2020, a true and accurate copy of the foregoing Motion to Drop Defendant Kimberly Edwards was served via the Court's CM/ECF system upon:

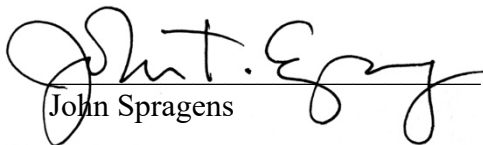
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Notice has additionally been e-mailed to counsel for Defendant Kimberly Edwards, who has not yet appeared in this action.


John Spragens